

## SENATE BILL No. 345

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-20-20; IC 20-32-3-13; IC 22-4; IC 22-4.1.

**Synopsis:** Commission for career and technical education. Abolishes the commission for career and technical education (commission) and transfers the duties of the commission to the state workforce innovation council. Makes conforming amendments. Repeals provisions that establish and provide for the operation of the commission.

**Effective:** July 1, 2010.

**Yoder**

January 11, 2010, read first time and referred to Committee on Education and Career Development.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## SENATE BILL No. 345

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-20-20-3, AS AMENDED BY P.L.234-2007,  
2       SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2010]: Sec. 3. (a) The state board shall do the following:

4               (1) Establish and monitor the operation of secondary level career  
5               and technical education in Indiana in accordance with the  
6               comprehensive long range state plan developed by the  
7               ~~commission~~ **state workforce innovation council** under  
8               IC 22-4.1-13-9.

9               (2) Establish a list of approved secondary level career and  
10              technical education courses in accordance with the workforce  
11              partnership plans under IC 22-4.1-14.

12             (b) The state board may authorize the department, whenever  
13             practical or necessary, to assist in carrying out the duties prescribed by  
14             this chapter.

15             (c) The state board shall do the following:

16               (1) Implement, to the best of its ability, its career and technical  
17               education plan prepared under section 4 of this chapter.



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(2) Investigate the funding of career and technical education on a cost basis.

(3) Cooperate with the ~~commission~~ **state workforce innovation council** in implementing the long range plan prepared by the ~~commission~~ under IC 22-4.1-13-9.

SECTION 2. IC 20-20-20-4, AS AMENDED BY P.L.234-2007, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. The state board shall biennially prepare a plan for implementing career and technical education and shall submit the plan to the ~~commission~~ **state workforce innovation council** for its review and recommendations.

SECTION 3. IC 20-20-20-5, AS AMENDED BY P.L.234-2007, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. The state board shall make recommendations to the ~~commission~~ **state workforce innovation council** on all secondary level career and technical education.

SECTION 4. IC 20-20-20-6, AS AMENDED BY P.L.234-2007, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 6. Upon request of the budget director, the department shall prepare a legislative budget request for state and federal funds for career and technical education. The budget director shall determine the period to be covered by the budget request. This budget request shall be made available to the ~~commission~~ **state workforce innovation council** under IC 22-4.1-13-15 before review by the budget committee.

SECTION 5. IC 20-20-20-8, AS AMENDED BY P.L.234-2007, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. The state board shall develop a definition for and report biennially to the:

(1) general assembly;

(2) governor; and

~~(3) commission;~~

**(3) state workforce innovation council;**

on attrition and persistence rates by students enrolled in secondary career and technical education. A biennial report under this section to the general assembly must be in an electronic format under IC 5-14-6.

SECTION 6. IC 20-20-20-9, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. The state board shall adopt rules under IC 4-22-2 and shall contract for services whenever necessary to perform the duties imposed by this chapter in accordance with the plan developed under section 4 of this chapter and approved by the

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~~commission~~ **state workforce innovation council.**

SECTION 7. IC 20-32-3-13, AS AMENDED BY P.L.234-2007, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. The state board shall, in cooperation with the ~~Indiana commission for career and technical education within the department of workforce development~~, **state workforce innovation council established by IC 22-4-18.1-3**, adopt rules under IC 4-22-2 to implement this chapter, including rules concerning the administration of the secondary level certificates of achievement by the department of workforce development.

SECTION 8. IC 22-4-18-1, AS AMENDED BY P.L.234-2007, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) There is created a department under IC 22-4.1-2-1 which shall be known as the department of workforce development.

(b) The department of workforce development may:

(1) Administer the unemployment insurance program, the Wagner-Peyser program, the Workforce Investment Act, a free public labor exchange, and related federal and state employment and training programs as directed by the governor.

(2) Formulate and implement an employment and training plan as required by the Workforce Investment Act (29 U.S.C. 2801 et seq.), including reauthorizations of the Act, and the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(3) Coordinate activities with all state agencies and departments that either provide employment and training related services or operate appropriate resources or facilities, to maximize Indiana's efforts to provide employment opportunities for economically disadvantaged individuals, dislocated workers, and others with substantial barriers to employment.

(4) Apply for, receive, disburse, allocate, and account for all funds, grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources, including grants from agencies and instrumentalities of the state and the federal government.

(5) Enter into agreements with the United States government that may be required as a condition of obtaining federal funds related to activities of the department.

(6) Enter into contracts or agreements and cooperate with local governmental units or corporations, including profit or nonprofit corporations, or combinations of units and corporations to carry out the duties of the department imposed by this chapter,

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including contracts for the establishment and administration of employment and training offices and the delegation of the department's administrative, monitoring, and program responsibilities and duties set forth in this article.

(7) Perform other services and activities that are specified in contracts for payments or reimbursement of the costs made with the Secretary of Labor, any federal, state, or local public agency or administrative entity, or a private for-profit or nonprofit organization under the Workforce Investment Act (29 U.S.C. 2801 et seq.), including reauthorizations of the Act.

(8) Enter into contracts or agreements and cooperate with entities that provide career and technical education to carry out the duties imposed by this chapter.

(c) The payment of unemployment insurance benefits must be made in accordance with 26 U.S.C. 3304.

(d) The department of workforce development may do all acts and things necessary or proper to carry out the powers expressly granted under this article, including the adoption of rules under IC 4-22-2.

(e) The department of workforce development may not charge any claimant for benefits for providing services under this article, except as provided in IC 22-4-17-12.

(f) The department of workforce development shall distribute federal funds made available for employment training in accordance with:

(1) 29 U.S.C. 2801 et seq., including reauthorizations of the Act, and other applicable federal laws; and

(2) the plan prepared by the department under subsection (g)(1).

(g) In addition to the duties prescribed in subsections (a) through (f), the department of workforce development shall do the following:

(1) Implement to the best of its ability its employment training programs and the comprehensive career and technical education program in Indiana developed under the long range plan under IC 22-4.1-13.

(2) Upon request of the budget director, prepare a legislative budget request for state and federal funds for employment training. The budget director shall determine the period to be covered by the budget request.

(3) Evaluate its programs according to criteria established by the ~~Indiana commission for career and technical education within the department of workforce development~~ **state workforce innovation council** under IC 22-4.1-13.

(4) Make or cause to be made studies of the needs for various

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types of programs that are related to employment training and authorized under the Workforce Investment Act, including reauthorizations of the Act.

(5) Distribute state funds made available for employment training that have been appropriated by the general assembly in accordance with:

(A) the general assembly appropriation; and

(B) the plan prepared by the department under subdivision (1).

(6) Establish, implement, and maintain a training program in the nature and dynamics of domestic and family violence for training of all employees of the department who interact with a claimant for benefits to determine whether the claim of the individual for unemployment benefits is valid and to determine that employment separations stemming from domestic or family violence are reliably screened, identified, and adjudicated and that victims of domestic or family violence are able to take advantage of the full range of job services provided by the department. The training presenters shall include domestic violence experts with expertise in the delivery of direct services to victims of domestic violence, including using the staff of shelters for battered women in the presentation of the training. The initial training shall consist of instruction of not less than six (6) hours. Refresher training shall be required annually and shall consist of instruction of not less than three (3) hours.

SECTION 9. IC 22-4-18.1-3, AS AMENDED BY P.L.161-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. The state workforce innovation council is established under the applicable federal programs to do the following:

(1) Review the services and use of funds and resources under applicable federal programs and advise the governor on methods of coordinating the services and use of funds and resources consistent with the laws and regulations governing the particular applicable federal programs.

(2) Advise the governor on:

(A) the development and implementation of state and local standards and measures; and

(B) the coordination of the standards and measures; concerning the applicable federal programs.

(3) Perform the duties as set forth in federal law of the particular advisory bodies for applicable federal programs described in section 4 of this chapter.

(4) Identify the workforce needs in Indiana and recommend to the

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governor goals to meet the investment needs.

(5) Recommend to the governor goals for the development and coordination of the human resource system in Indiana.

(6) Prepare and recommend to the governor a strategic plan to accomplish the goals developed under subdivisions (4) and (5).

(7) Monitor the implementation of and evaluate the effectiveness of the strategic plan described in subdivision (6).

(8) Advise the governor on the coordination of federal, state, and local education and training programs and on the allocation of state and federal funds in Indiana to promote effective services, service delivery, and innovative programs.

(9) Administer the minority training grant program established by section 11 of this chapter.

(10) Administer the back home in Indiana program established by section 12 of this chapter.

**(11) Perform the duties set forth in IC 22-4.1-13 for career and technical education, including the development and implementation of a long range state plan for a comprehensive career and technical education program under IC 22-4.1-13-9.**

~~(11)~~ (12) Any other function assigned to the council by the governor with regard to the study and evaluation of Indiana's workforce development delivery system.

SECTION 10. IC 22-4.1-2-2, AS AMENDED BY P.L.3-2008, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. The department is comprised of the following entities reorganized within the department:

(1) The department of employment and training services, including the following:

(A) The unemployment insurance board.

(B) The unemployment insurance review board.

(2) The office of workforce literacy established by IC 22-4.1-10-1.

~~(3) The Indiana commission for career and technical education established by IC 22-4.1-13-6.~~

SECTION 11. IC 22-4.1-4-1, AS AMENDED BY P.L.3-2008, SECTION 162, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The department may undertake duties identified by the commissioner as related to workforce development initiatives that were required of or authorized to be undertaken before July 1, 1994, by:

(1) the department of employment and training services; **or**

(2) the office of workforce literacy established by IC 22-4.1-10-1.

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(3) the Indiana commission for career and technical education established by IC 22-4.1-13-6.

SECTION 12. IC 22-4.1-13-9, AS AMENDED BY P.L.234-2007, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. (a) The ~~commission~~ **council** shall develop and implement a long range state plan for a comprehensive career and technical education program in Indiana.

(b) The plan developed under this section shall be kept current. The plan and any revisions made to the plan shall be made available to:

- (1) the governor;
- (2) the general assembly;
- (3) the Indiana state board of education;
- (4) the department of education;
- (5) the commission for higher education;
- ~~(6) the council;~~
- ~~(7)~~ **(6)** the Indiana commission on proprietary education; and
- ~~(8)~~ **(7)** any other appropriate state or federal agency.

A plan or revised plan submitted under this section to the general assembly must be in an electronic format under IC 5-14-6.

(c) The plan must set forth specific goals for public career and technical education at all levels and must include the following:

- (1) The preparation of each graduate for both employment and further education.
- (2) Accessibility of career and technical education to individuals of all ages who desire to explore and learn for economic and personal growth.
- (3) Projected employment opportunities in various career and technical education fields.
- (4) A study of the supply of and the demand for a labor force skilled in particular career and technical education areas.
- (5) A study of technological and economic change affecting Indiana.
- (6) An analysis of the private career and education sector in Indiana.
- (7) Recommendations for improvement in the state career and technical education program.
- (8) The educational levels expected of career and technical education programs proposed to meet the projected employment needs.

SECTION 13. IC 22-4.1-13-10, AS AMENDED BY P.L.234-2007, SECTION 152, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2010]: Sec. 10. The ~~commission~~ **council** shall do the following:

(1) Make recommendations to the general assembly concerning the development, duplication, and accessibility of employment training and career and technical education on a regional and statewide basis.

(2) Consult with any state agency, commission, or organization that supervises or administers programs of career and technical education concerning the coordination of career and technical education, including the following:

(A) The Indiana economic development corporation.

~~(B) The council.~~

~~(C)~~ **(B)** A private industry council (as defined in 29 U.S.C. 1501 et seq.).

~~(D)~~ **(C)** The department of labor.

~~(E)~~ **(D)** The Indiana commission on proprietary education.

~~(F)~~ **(E)** The commission for higher education.

~~(G)~~ **(F)** The Indiana state board of education.

(3) Review and make recommendations concerning plans submitted by the Indiana state board of education and the commission for higher education. The ~~commission~~ **council** may request the resubmission of plans or parts of plans that:

(A) are not consistent with the long range state plan of the ~~commission~~; **council developed under section 9 of this chapter;**

(B) are incompatible with other plans within the system; or

(C) do not avoid duplication of existing services.

(4) Report to the general assembly on the ~~commission's~~ **council's** conclusions and recommendations concerning interagency cooperation, coordination, and articulation of career and technical education and employment training. A report under this subdivision must be in an electronic format under IC 5-14-6.

(5) Study and develop a plan concerning the transition between secondary level career and technical education and postsecondary level career and technical education.

(6) Enter into agreements with the federal government that may be required as a condition of receiving federal funds under the Vocational Education Act (20 U.S.C. 2301 et seq.). An agreement entered into under this subdivision is subject to the approval of the budget agency.

SECTION 14. IC 22-4.1-13-11, AS AMENDED BY P.L.234-2007, SECTION 153, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2010]: Sec. 11. The ~~commission~~ **council** may do the following:

(1) Make recommendations, including recommendations for policies to encourage involvement of minority groups in the career and technical education system in Indiana, to:

(A) the governor;

(B) the general assembly; and

(C) the various agencies, commissions, or organizations that administer career and technical education programs concerning all facets of career and technical education programming.

(2) Establish a regional planning and coordination system for career and technical education and employment training that will, either in whole or in part, serve career and technical education and employment training in Indiana.

(3) Appoint advisory committees whenever necessary.

(4) Contract for services necessary to carry out this chapter.

(5) Provide information and advice on career and technical education to a business, an industry, or a labor organization operating a job training program in the private sector.

SECTION 15. IC 22-4.1-13-12, AS AMENDED BY P.L.234-2007, SECTION 154, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. The ~~commission~~ **council** shall adopt statewide systems or policies concerning the following as the systems or policies relate to the implementation of career and technical education programs:

(1) Student records.

(2) Data processing at the secondary level.

(3) An evaluation system that must be conducted by the ~~commission~~ **council** at least annually and that evaluates the following as each relates to the career and technical education programs and courses offered at the secondary level and postsecondary level:

(A) Graduation rates.

(B) Student placement rates.

(C) Retention rates.

(D) Enrollment.

(E) Student transfer rates to postsecondary educational institutions.

(F) When applicable, student performance on state licensing examinations or other external certification examinations.

(G) Cost data study.

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(4) A system of financial audits to be conducted at least biennially at the secondary level.

SECTION 16. IC 22-4.1-13-13, AS AMENDED BY P.L.234-2007, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 13. (a) The ~~commission~~ **council** shall establish career and technical education evaluation criteria.

(b) Using the criteria established under subsection (a), the ~~commission~~ **council** shall evaluate the effectiveness of career and technical education relative to the goals of the long range plan developed under section 9 of this chapter.

SECTION 17. IC 22-4.1-13-14, AS AMENDED BY P.L.234-2007, SECTION 156, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 14. (a) Except as provided in subsection (c), the ~~commission~~ **council** shall receive, distribute, and maintain accountability for all federal funds available for career and technical education under 20 U.S.C. 2301 et seq.

(b) Except as provided in subsection (c), the ~~commission~~ **council** shall distribute and maintain accountability for all federal funds available for career and technical education under 29 U.S.C. 1533.

(c) The ~~commission~~ **council** may not expend or distribute federal funds available under 20 U.S.C. 2301 et seq. or 29 U.S.C. 1533 if those funds have not been allocated by the general assembly.

SECTION 18. IC 22-4.1-13-17, AS ADDED BY P.L.1-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 17. The ~~commission~~ **council** shall adopt rules under IC 4-22-2 to carry out the duties imposed by this chapter.

SECTION 19. IC 22-4.1-14-5, AS AMENDED BY P.L.234-2007, SECTION 161, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. Notwithstanding any other law and after an institution is required to enter into a workforce partnership plan under this chapter, an institution's workforce partnership plan must be approved by the ~~Indiana commission for career and technical education of the department state workforce innovation council~~ for the institution to:

(1) be eligible to receive federal and state funds for the institution's career and technical education program at the secondary level and postsecondary level;

(2) receive career and technical education program approval by:

(A) the Indiana state board of education for secondary level programs; and

(B) the commission for higher education for postsecondary level programs;

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for any career and technical education programs requiring approval; and

(3) be eligible to complete the program review process by the commission for higher education for postsecondary level career and technical education programs.

SECTION 20. IC 22-4.1-15-1, AS AMENDED BY P.L.234-2007, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. The building and trades advisory committee is established to provide information, advice, and recommendations to the ~~Indiana commission for career and technical education of the department state~~ **workforce innovation council** with regard to technical education.

SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2010]: IC 20-20-20-1; IC 22-4.1-13-1; IC 22-4.1-13-6; IC 22-4.1-13-7; IC 22-4.1-13-8; IC 22-4.1-13-16; IC 22-4.1-13-18.

SECTION 22. [EFFECTIVE JULY 1, 2010] (a) As used in this SECTION, "commission" refers to the commission for career and technical education established by IC 22-4.1-13-6 (before its repeal by this act).

(b) As used in the SECTION, "council" refers to the state workforce innovation council established by IC 22-4-18.1-3.

(c) As of July 1, 2010, the commission is abolished, and the commission's property and duties are transferred to the council under IC 22-4-18.1-3, IC 22-4.1-13-9, IC 22-4.1-13-10, IC 22-4.1-13-11, IC 22-4.1-13-12, IC 22-4.1-13-13, IC 22-4.1-13-14, and IC 22-4.1-13-17, all as amended by this act.

(d) The rules adopted by the commission before July 1, 2010, concerning career and technical education are considered after June 30, 2010, rules of the council.

(e) This SECTION expires July 1, 2011.

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